

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

A substitute Abstract of the Disclosure is provided on an accompanying separate sheet that is believed to address the abstract objection noted in the Official Action.

The Official Action has indicated that the material incorporated by reference on page 14, lines 15-20 is "essential material" that cannot properly be incorporated by reference.

MPEP §608.01(p) defines "essential material" as that which is necessary to (1) describe the claimed invention, (2) provide an enabling disclosure of the claimed invention, or (3) describe the best mode.

The matter disclosed on page 14, lines 15-20 is directed to a method of determining the stiffness of absorbent layers. The pending claims of the present application are not directed to the stiffness of the absorbent layers. Accordingly, the material disclosed on page 14, lines 15-20 is not necessary to describe the claimed invention. In addition, the material is not necessary to provide an enabling disclosure of the claimed invention. Further, the material is not necessary to describe the best mode of the invention. Therefore, the material on page

14, lines 15-20 does not meet the requirements of "essential material" as defined in MPEP §608.01(p).

The material on page 14, lines 15-20 of the application is non-essential subject matter that is properly incorporated by reference since patents or applications published by the United States or foreign countries or regional patent offices may be incorporated by reference.

Claims 1-16 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-23 of co-pending Application No. 10/125,613 and over claims 1-27 of co-pending Application No. 10/125,423 and over claims 1-25 of co-pending Application No. 10/125,352. These rejections are respectfully traversed.

Applicants submit herewith a Terminal Disclaimer for each of the above co-pending applications. The Terminal Disclaimer is believed in compliance with 37 C.F.R. §1.321(c) and are believed sufficient to overcome the rejections of record.

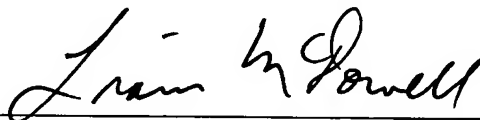
Since the only rejections pending in the application are believed overcome by the filing of the Terminal Disclaimer and since the formal matters are believed addressed, the application is believed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the Terminal Disclaimer fee of \$110 to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A handwritten signature in cursive script, reading "Liam McDowell".

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APPENDIX:

The Appendix includes the following items:

- Terminal Disclaimer for co-pending Application Nos.
10/125,613, 10/125,423 and 10/125,352
- amended Abstract of the Disclosure